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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,110	07/24/2001	Peter L. Froeberg	TRMB928	5579

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/915,110

Applicant(s)

FROEBERG, PETER L.

Examiner

Jacques H. Louis-Jacques

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 2, 2003 has been entered.

***Response to Arguments & RCE***

2. The remarks filed along with the request for continued examination (RCE) have been entered and carefully considered by the Examiner.

The Terminal Disclaimers filed on February 28 (CoM 2/21/03) have been accepted and entered. Therefore, the double patenting rejections have been withdrawn.

Applicant argued that a “vehicle comprising ... a position determination system adapted to determine a position and a direction of travel of said vehicle”, wherein “content is selected “according to said position and said direction of travel”. Claim 4 dependent [indirectly] on claim 1 recites that “the position determination system comprises ... a digital compass adapted to determine said direction of travel ... and a satellite positioning system adapted to determined said position.” Emphasis added. Similar points are being pointed out with regard to claims 8 and 11, and 15 and 18.

According to Applicant, as argued on page 4 of the response, Cohen does not show a position determination system (or a position and direction determination system) for determining direction of travel..." The Examiner disagrees.

Figure 4 of Cohen shows a GPS (18) and vehicle monitor (15). In column 4, Cohen discloses the status monitor (15) of vehicle parameters, e.g., vehicle speed, direction, outside temperature, weather conditions, etc. is carried by the vehicle 12 with the controller 16 receiving status data signals indicative of the monitored parameters. See lines 23-26. Furthermore, in column 4, lines 42-46, Cohen discloses that "the controller 16 thereafter drives the display with the appropriated display message content coordinated with the vehicle location as monitored from the GPS receiver 18 ... as well as the monitored parameters". The monitored parameters include direction [of travel] of the vehicle. See also column 5.

Applicant further argued, "Cohen does not show or suggest a position determination system (or a position and direction determination system) comprising a digital compass ...". The Examiner agrees.

Using the position and direction of travel of a vehicle to display an advertisement is well known in the art.

As explained in the above remarks and the below rejection, Cohen discloses both the position and direction of travel of the vehicle to display or output an advertisement.

Teshima [US 2002/0032035 A1], with an effective US filing date of March 27, 2001, discloses displaying or outputting an advertisement based on the position and direction of travel of the vehicle. See sections [0096, 0106, 0110, 0119]. Furthermore,

Teshima discloses in section [0080] an orientation (direction) sensor, which can be a gyroscope or any other type, such as a digital compass.

Polyakov [US 2001/0052841 A1], with an effective US filing date of March 28, 2000 based on a Provisional application, discloses a system of advertising, wherein position and direction of travel of the vehicle are used in displaying advertisements. In addition, the location of the vehicle is determined by a location determination means (7) in conjunction with a Global Positioning System. Additionally, a [digital] compass (22) is used to determine the direction of travel of the vehicle.

When analyzing the newly discovered prior art references, it is determined that Polyakov, in particular, discloses the use of a [digital] compass to determine the direction of travel of the vehicle in conjunction with a GPS. Accordingly, a new ground of rejection has been applied against claims 4 and 11. As to the other claims, Cohen discloses the claimed limitations thereof.

In light of the above and the rejections that follow, the claims of the present application remain rejected.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-3, 5-10, and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen [6,060,993].

Cohen [6,060,993] discloses a mobile display system, wherein a vehicle is equipped with externally viewable display panels. According to Cohen, an onboard controller determines the position of the vehicle and drives the display to generate a publicly viewable message selected for viewing, within such location. The message is selected and displayed based on a prescribed schedule, i.e., date, time of day, etc. Cohen discloses a position determination system (GPS, 18) for determining the position and direction of the vehicle, a controller (16) couple to the position determination system (GPS), a storage unit (memory) coupled to the controller and adapted to stored different messages, a display (14) couple to the memory and the controller for displaying a message selected by the controller, wherein the controller selects a message based on the position and direction of travel of the vehicle. According to Cohen, which well known in the art, there is provided a receiver coupled to the position determination system for receiving the position and direction of travel of the vehicle. Cohen discloses a GPS receiver (column 4). As described in column, the controller is in communication with one or more fixed stations, wherein data are downloaded from the one least one fixed into the memory of the system, therein updating contents thereof periodically. See column 4. Cohen also discloses the length of amount time the selected message is to be displayed (abstract). *Figure 4 shows a GPS (18) and vehicle monitor (15). In column 4, Cohen discloses the status monitor (15) of vehicle parameters, e.g., vehicle speed, direction, outside temperature, weather conditions, etc. is carried by the vehicle 12 with the*

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*controller 16 receiving status data signals indicative of the monitored parameters. See lines 23-26. Furthermore, in column 4, lines 42-46, Cohen discloses that "the controller 16 thereafter drives the display with the appropriated display message content coordinated with the vehicle location as monitored from the GPS receiver 18 ... as well as the monitored parameters". The monitored parameters include direction [of travel] of the vehicle. See also column 5.*

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen [6,060,993] in view of Polyakov [US 2001/0052841 A1], hereafter Polyakov.

Although Cohen disclosed a "vehicle monitor" (15) for determining vehicle parameters such as the direction of travel of the vehicle, Cohen does not particularly disclose that the use of a digital compass. Polyakov, on the other hand, discloses a system of advertising, wherein advertisements are displayed on a display (4) located on the vehicle (2). According to Polyakov, a position determination means (7) in conjunction with a GPS is used to determine the position of the vehicle and a [digital] compass (22) is used to determine the direction of travel of the vehicle. Both the position and direction of the vehicle are used to generate (retrieve) advertisements to be displayed on the display

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(4). See also page 2. Additionally, the advertisements are selected according to the time of the day (page 3, section [0023]). There is provided a time determining means for controlling (measuring) the time used by the display. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the mobile display system of Cohen by incorporating the [digital] compass for determining the direction of the vehicle from the system of advertising of Polyakov because such modification would enable the system to determine the vehicle has moved to a different, thereby making the advertising more meaningful and efficient.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US2002/0198653A1	Lutter	Dec. 2002
6,442,473	Berstis et al	Aug. 2002
US 2002/0069017 A1	Schmier et al	Jun. 2002
US 2002/0032035 A1	Teshima	Mar. 2002
JP 11259031 A	Furuta	Sep. 1999

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers



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for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj  
August 28, 2003

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER